

## Town of Greece

# Planning Board Minutes September 22, 2010

THE MEETING BEGAN AT 7:00 P.M.

#### PRESENT

Alvin I. Fisher, Jr., Chairman
Alfred S. Ancello
Christine R. Burke
Brian E. Marianetti
Grace L. Plouffe
William E. Selke
Michael H. Sofia
Scott R. Copey, Clerk of the Planning Board
John Gauthier, P.E., Associate Engineer
Linda R. Lamb, Planning Board Secretary

#### **A**BSENT

Christopher A. Schiano, Deputy Town Attorney

Additions, Deletions and Continuances to the Agenda

**A**NNOUNCEMENTS

#### **PUBLIC HEARINGS**

#### **Old Business**

1. Applicant: Woodcreek Developers

Location: Generally, north of Latta Road and west of Flynn Road

Request: Final plat approval for Section 4 of the Avery Park subdivision,

consisting of 16 lots on approximately 6.38 acres

Zoning District: R1-E (Single-Family Residential)

Mon. Co. Tax No.: 033-04-2-62.111

Motion by Ms. Burke, seconded by Ms. Plouffe, to continue the application to the October 6, 2010, meeting, as requested by the applicant.

VOTE: Ancello - yes Burke - yes

Marianetti - yes Plouffe - yes Selke - yes Sofia - yes Fisher - yes

MOTION CARRIED APPLICATION CONTINUED TO OCTOBER 6, 2010, MEETING

#### **New Business**

1. Applicant: Wolf Associates I, L.P.

Location: 2404 Edgemere Drive

Request: Minor subdivision approval for the Wallace Wolf, Jr. subdivision,

consisting of 2 lots (Lot A, with existing house and garage on lakefront side of Old Edgemere Drive; Lot B, with existing garage between Edgemere Drive and Old Edgemere Drive) on 0.64+/-

acres

Zoning District: R1-E (Single-Family Residential)

Mon. Co. Tax No.: 026.15-1-63

### The following is a synopsis of the discussion pertaining to the above-referenced request:

Leland T. Williams, Esq., represented the applicant.

Mr. Williams: This is a straightforward application to split the lakefront lot. Mr. Wolf of Wolf Associates I, L.P. is owner of a parcel currently separated by Old Edgemere Drive. He is selling the lakefront parcel and is looking to retain ownership of the parcel between Old Edgemere Drive and Edgemere Drive. No changes are planned. It is expected that the purchasers of the lakefront lot will receive right of first refusal on the lot between Old Edgemere and Edgemere Drive.

Mr. Copey: The subdivision was reviewed by the Monroe County Department of Planning and Development and the Greece Environmental Board, with no comments of substance from either. It was noted by the Town's staff that the addresses for both parcels will have to be added to the map along with some other general notes.

Mr. Gauthier: I have no comments.

Mr. Williams: I was before the Board of Zoning Appeals last evening and received the necessary area variances.

#### Motion by Mr. Selke, seconded by Mr. Ancello

WHEREAS, Wolf Associates I, L.P. (the "Applicant") has submitted a proposal to the Town of Greece Planning Board (the "Planning Board") for approval of a minor subdivision, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 2404 Edgemere Drive (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Planning Board makes the following findings:

- 1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 et seq., the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA.
- 2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal; and be it further

RESOLVED that the Planning Board approve the Proposal, with the following conditions:

- 1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
- 2. Any Town of Greece approval or permit for these premises does not relieve the applicant, developer, or owner of the premises from obtaining all other town, county, state, or federal government approvals or permits that are required for the premises. A note that indicates this requirement shall be added to the plat.
- 3. This subdivision map is for conveyance purposes only; no new construction is proposed. Approval of this map does not supersede any other conditions imposed by the Town of Greece or any other agency. Additional Town of Greece approvals must be obtained before any future construction. A note that indicates this requirement shall be added to the plat.
- 4. Flood zone boundaries, as depicted on the August 28, 2008, Federal Emergency Management Agency flood zone and maps shall be added to the plat.
- 5. The Town's 2001 Community Master Plan Update (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the original building permit any future construction on Lot B. A note that indicates this requirement shall be added to the plat.
- 6. Subject to approval by the Town's Chief Engineer and Commissioner of Public Works.
- 7. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.
- 8. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
- 9. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE: Ancello - yes Burke - yes
Marianetti - yes Plouffe - yes
Selke - yes Sofia - yes
Fisher - yes

MOTION CARRIED APPLICATION APPROVED WITH CONDITIONS

#### **SITE PLANS**

#### **Old Business**

1. Applicant: 4320 West Ridge LLC

Location: Generally north of and including 4232 – 4350 West Ridge Road

Request: Site plan approval for Phase I of the Hampton Ridge Center

commercial development, consisting of a proposed automotive sales and leasing dealership (28,924+/- square feet) with related parking, utilities, grading, and landscaping on approximately 7.2

acres, plus additional acreage for storm water management

Mon. Co. Tax No.: 073.01-1-2.1, -3, -4, -5, -6, -7; 073.01-2-63, -64.111, -64.12,

-64.2, -68

Motion by Ms. Burke, seconded by Ms. Plouffe, to continue the application to the October 6, 2010, meeting, as requested by the applicant.

VOTE: Ancello - yes Burke - yes

Marianetti - yes Plouffe - yes Selke - yes Sofia - yes Fisher - yes

MOTION CARRIED APPLICATION CONTINUED TO OCTOBER 6, 2010, MEETING

#### **CONCEPT PLAN**

1. Applicant: Texas Roadhouse Holdings, LLC

Location: 1960 West Ridge Road (Ridgecrest Plaza)

Request: Concept plan review for a proposed Texas Roadhouse restaurant,

(one story, 6,995+/- square feet), with related parking, utilities,

grading, and landscaping on approximately 5.125 acres

Zoning District: BR (Restricted Business)

Mon. Co. Tax No.: 074.16-2-22

### The following is a synopsis of the discussion pertaining to the above-referenced request:

Betsy Brugg, Esq., Fix Spindleman Brovitz, Goldman, Dawn Schaffran, Project Manager with Greenberg-Farrow, and Peter Chandler, Civil Engineer with Greenberg-Farrow, represented the applicant.

Ms. Brugg: I am here this evening for concept plan review of a proposed Texas Roadhouse restaurant. We are interested in receiving your comments on this proposal, as well as obtaining a recommendation from you to the Board of Zoning Appeals (BZA) on the variances required. They are area variances for parking, setback, lot coverage, and signage. We have met with the Town's Development Review Committee (DRC). This will be a sit-down, family-style restaurant in front of Ashley Furniture in a fairly active shopping plaza. The proposed site is currently a parking lot. This shopping center tends to be very busy up closer to West Ridge Road. The lower portion of the plaza, separated by a drive aisle, currently houses only Ashley Furniture. The furniture store does not need, or use, the amount of parking that the town's zoning ordinance requires. There are currently 340 Texas Roadhouse-themed restaurants throughout the country. The site is in a BR (Restricted Business) zoning district. Tops supermarket used to occupy the existing building before Ashley Furniture occupied it. This restaurant appeared to go a nice, compatible use for the site. We are sensitive to the fact that there are residents to the north. The proposed location of the restaurant on the site largely is dictated by the location of the existing driveway off Fetzner Road. (She shared a perspective of the proposed building in front of Ashley Furniture.) The dialog on this project started back in March. I have worked extensively with Ivana Frankenberger, the Town staff advisor for the Board of Zoning Appeals, regarding the zoning requirements. As part of the New York State Department of Transportation's West Ridge Road reconstruction project, there was a substantial taking along the plaza's frontage of that road. This increased the lot coverage without changing the amount of first floor space on the plaza, and decreased the amount of parking. Regarding the parking, the minimum required number of spaces goes up and down, depending on the change in usage within the plaza. With that in mind, we went with the information that the Town had on file. We have requested a lot coverage variance to be 22.9%, which might seem high. Because this plaza was built before the current limit that's in the zoning ordinance, lot coverage already had been 20% and possibly even higher. We are adding to that lot coverage but not reducing the amount of green space on the site. We actually are adding approximately 0.15 acres of green space. We are removing impervious parking surface only. We will be going to the Town Board for a special use permit for a restaurant, in addition to needing area variances from the BZA, and Planning Board site plan approval. The front setback on Fetzner Road is proposed to be 60.6 feet, which is driven by the location of the existing driveway off Fetzner Road and the desire to keep the structure as far away from the residential as possible. The operation itself is dinner only during the

week with hours of 4:00 p.m. to 10:00 p.m. Mondays through Fridays. On the weekend, hours are Saturday 11:30 a.m. to 11:00 p.m. and Sunday 11:30 am to 10:00 p.m. The peak times are 6:00 p.m. to 8:00 p.m. daily. The restaurant is family style. They do have alcohol service, but it is a small part of the business.

Dawn Schaffran, Architect: The primary materials on the building's exterior are cedar siding, brick veneer, and metal ribbed roof. The trim material will be dark green to provide accent.

Mr. Fisher: As I look at it the metal roof, it may draw people; but I'd prefer the green trim color for the metal roof.

Ms. Schaffran: We have done the roof in green at other sites. (She shared photos showing that.)

Mr. Selke: It gives it a richer look.

Mr. Fisher: In the photographs that you showed to us, there was brick on some buildings, and stone on others. Are you proposing brick?

Mr. Selke: Original roadhouses were more stone than brick. Why did you choose brick? How long has this chain been in existence?

Ms. Schaffran: Since 1993; 17 years. Most of the time, we use brick due to cost.

Mr. Sofia: I like the stone also, but it wouldn't be a deal breaker. Stone is being used more and more on façades, which gives the appearance of a newer building. The stone would be used only as an accent; it's a fake stone, and I don't think that it would be very expensive.

Ms. Brugg: You have Tim Hortons, all brick, across the street.

Ms. Schaffran: It is something we can take a look at.

Mr. Gauthier: During our review of this project in the DRC meeting, I spoke with your engineer regarding the ponds on site. The current configuration doesn't appear to be functioning as intended. We have made efforts through code enforcement to bring resolution to the issue with Mr. Johnson; we haven't been satisfied with the results. We are asking that it be restored to the intended design so that it is functional. With that said, we assume that you have an interest in correcting this as well, to protect your investment. Your proposed restaurant location is on a drainage easement, which would have to be relocated along with the pipe within that easement.

Mr. Fisher: This building can be viewed on all four sides. On the rear elevation, it will be important to break it up to look more like the other sides; maybe some fake windows. People driving south on Fetzner Road need to see something other than a blank façade on that wall.

Ms. Brugg: (Shared a photograph of another site with windows, indicating that it can be done.)

Mr. Selke: How high is that building wall that would face toward Fetzner Road?

Ms. Schaffran: Twenty-seven feet from base to tower.

Mr. Selke: Is there something that you can do to break up all that elevation? We want that side to look reasonably attractive. The hours don't appear to conflict with Ashley Furniture. Where would your employees park?

Ms. Schaffran: Staff would park in more remote areas closer to Ashley, or on the perimeter.

Mr. Selke: What type of buffering do you plan? Do you plan to do any landscaping near where one would enter your site?

Ms. Schaffran: We are looking to work with local landscapers to fill void tree areas, as well as building landscape. There has been new landscaping added to the site entry and we plan no changes there.

Mr. Selke: What type of lighting will you be using?

Ms. Schaffran: In the parking lot there are two existing light poles, one of which would be removed. If we found that we needed additional light, we would add some if safety became a concern. Building-mounted lighting is goose-neck fixtures, shining down. The lights shining up are on the tower flagpoles.

Mr. Selke: I want to ask our engineer about water retention.

Mr. Gauthier: They aren't required to do anything because they are below both the state and local thresholds, disturbing less than one acre. We'd ask that they look at low impact changes to assist with drainage control and water quality; things like rain barrels.

Mr. Fisher: Again, the ponds there don't seem to be functioning as they should.

Mr. Gauthier: We need it to function properly.

Mr. Selke: Are there handicap parking and sidewalk in front of the building? Will you have any seating areas outside of the building? If so, could you consider bollards to protect sidewalk pedestrians from drivers possibly jumping the curb?

Ms. Schaffran: There is handicap parking, sidewalk, and curbing. We often place a couple of benches in front for seating.

Ms. Brugg: There will be bollards.

Mr. Selke: What is your seating capacity?

Ms. Schaffran: There are 271 seats, which includes dining and bar area. There are no party areas. We have a 239-square-foot waiting area that holds 25 to 30 people.

Ms. Brugg: I'd like to go back to the ponds. How do we approach the issue? Nobody seems to know what the original design was.

Mr. Gauthier: It has been constructed in layers, over time. The elevations of the inverts appear to be inadequate. The water doesn't flow from one to the other. The portion to the north is silted in and is not connecting with the other pond. At one time, we had flooding onto Fetzner Road, which brought this to our attention. There also may be discharge points partially blocked. Some reasonable effort needs to be made to have this storm water control feature function properly. It doesn't have to be exactly what it once should have been, as long as it is functional.

Peter Chandler, Civil Engineer: I did an inspection of the site and noticed that it is a two-tiered retention system. The information provided tonight will assist us a great deal. We will assist in what appears to be a maintenance issue. We will point this out to the landlord and indicate that he has to address it as part of our development process.

Mr. Fisher: The number of cars allocated for the furniture store is 204 and it never uses anywhere near that many. Comparing the required minimum parking spaces versus what you are proposing, you are short 20 parking spaces; I don't see any problem with the parking.

Ms. Brugg: When you drive past the site today, you are looking at a big empty parking lot. I also do not see people parking in the upper, busier portion of the parking lot for this restaurant. People are going to want to park as close as possible to the restaurant.

Mr. Sofia: The buffering to the residential portion of the site has to be looked at. It appears that Ashley did something, and you will have to be consistent with that.

Mr. Fisher: There is a possibility that the patrons will park on just the other side of the plaza's main east-west drive aisle. We need to provide direction where they are to cross.

Ms. Brugg: We'll look at a pedestrian crosswalk.

Mr. Copey: The lighted signage for Ashley Furniture was a concern. The lighting on the north side of this building also could be a concern. We also need to be cautious about the lights shining up on the towers. Have you had any conversations with the Monroe County Department of Transportation (MCDOT) yet?

Ms. Brugg: There is no work proposed in the right-of-way. We can make the inquiry. There was a variance requested for signage. Do you want me to go over that?

Mr. Fisher: I don't think we need to get involved. It's generally not a Planning Board issue.

Ms. Brugg: I don't see any adverse impact resulting from any of the variances that we require.

Mr. Sofia: Are we making a recommendation?

Mr. Fisher: The BZA is requesting a recommendation from us on the area variances. I don't see the signage as an issue for us unless it is lighted.

Ms. Plouffe: I think Ms. Brugg has resolved any of our concerns relative to the variances.

#### Motion by Mr. Sofia, seconded by Ms. Plouffe

WHEREAS the Planning Board has reviewed and discussed the required variances and see no negative impact as a result

NOW, THEREFORE, be it

RESOLVED that the Planning Board recommends approval of the requested area variances associated with the proposal.

VOTE:	Ancello	- yes	Burke	- yes		
	Marianetti	- yes	Plouffe	- yes		
	Selke	- yes	Sofia	- yes		
		_	Fisher	- ves		

MOTION CARRIED RECOMMENDATION MADE

#### **SPECIAL PLANNING TOPIC**

1. Applicant: Judy Fridd

Location: 1353 Long Pond Road

Request: Waiver of Site Plan requirements pursuant to Sec. 211-60C of the

town's zoning ordinance

Zoning District: BP-1 (Professional Office)

Mon. Co. Tax No.: 074.18-1-13.1

### The following is a synopsis of the discussion pertaining to the above-referenced request:

Mr. Copey: This is Judy Fridd's Solutions Studio and Spa site on Long Pond Road. When she came in for site plan approval, there was no lighting proposed for her parking area. I think the belief was that the one street light on Long Pond Road would be adequate. She is now concerned about safety for her staff, as well as her clientele, when they leave after dark. There are dark corners in the parking lot. I don't know whether or not they have had any incidents. They are proposing four (4) light poles to be 12 feet high, with 100-watt bulbs. (An illustration of the light fixture chosen is shown.) There will be two on the southern end and two in the west corner. The concern that I expressed to Ms. Fridd was the potential concern from the neighbor to the south. It currently is occupied as a residence but is for sale as a commercial site. I had suggested a couple of trees to coincide with the lights.

Mr. Fisher: You could insert a black, light-blocking panel on the rear of the light fixture. If it turned out that lighting wasn't a problem, you could just remove it.

Mr. Copey: The shade is colored and a 100 watt bulb will make it pretty innocuous.

Mr. Gauthier: Why are the light poles proposed to be 12 feet high? Do they need it to be 12 feet high?

Mr. Copey: I suppose that we could reduce the height, but it would have less of a lighting impact if lowered. I think that a 100-watt bulb won't give off that much light, and the light sources have tinted shades.

Mr. Fisher: I have a 100-watt bulb in my front coach lamp. This doesn't appear to be much different.

Mr. Sofia: As long as there is no light spill, I don't care how many she puts on her property. She doesn't want to break into the asphalt for the lighting, so she is placing them at the perimeter.

Mr. Fisher: The issue tonight is, will we grant an exemption to the site plan?

Mr. Copey: I am looking for direction from the Board. I've provided what I thought were some reasonable conditions.

Mr. Sofia: I don't think that we should condition the number or height of light poles in this case. We just don't want light spill.

Mr. Gauthier: The neighboring property owners have dealt with a lot throughout the construction of this site. We should be sensitive to that. We should hold this to no light spill for the neighbors. We don't care about light onto Long Pond Road.

Mr. Copey: She has a row of trees out front she would like to up light with 4.5-watt LED light fixtures; 4.5 watts is fairly bright for this type of lighting, but it's out at the street. It will look really nice.

#### Motion by Mr. Sofia, seconded by Ms. Plouffe:

WHEREAS, Judy Fridd (the "Applicant") has submitted a request to the Town of Greece Planning Board (the "Planning Board") for approval of a waiver of the site plan requirements pursuant to Sec. 211-60C of the town's zoning ordinance, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 1353 Long Pond Road (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Planning Board makes the following findings:

- 1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 et seq., the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA.
- 2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, the SEQRA Regulations do not require further action relative to the Proposal; and be it further

RESOLVED that the Planning Board makes the following additional findings:

- 1. The Applicant has requested a waiver of the Site Plan (Minor Improvement Plan) approval requirement, pursuant to Section 211-60(C)(3) of the town's zoning ordinance.
- 2. No light poles were proposed as part of the original 2005 site plan approval for Solutions Studio and Spa.
- 3. The Applicant has noted that existing street lights in the public right-of-way, and building-mounted security lighting leaves certain portions of the parking area dimly lit during evening hours.
- 4. The Applicant has cited concerns with respect to the safety and security of employees and clients entering and exiting the site during evening hours.
- 5. The Applicant has proposed a minimal number of light poles and a relatively low mounting height for the fixtures.
- 6. The Applicant has proposed to provide additional landscape buffering to the south of the parking area.
- 7. The proposed improvements are of a limited nature.
- 8. Granting such waiver will not be detrimental to public health, safety, or general welfare, nor be destructive to businesses.

NOW, THEREFORE, be it

RESOLVED that, pursuant to Section 211-60(C)(3) of the town's zoning ordinance, a waiver hereby is approved and granted to allow installation of the proposed light fixtures

without prior approval of a Minor Improvement Plan. Such waiver is granted subject to the following conditions:

- 1. Subject to approval of all necessary permits by the Building Inspector.
- 2. Light fixtures shall be aimed and shielded such that the light source is not visible from off site. Final locations, details, and specifications for such lights shall be subject to approval by the Planning Board Clerk.
- 3. Not less than two (2) deciduous trees (one for each light pole at the south end of the parking area) shall be planted as a buffer between said known residential use and the proposed light poles. Such trees shall be of a species known to have a dense branching pattern such as a pear or linden and shall be sized and installed in accordance with the town's <u>Landscape Guidelines for Development</u>. Final selection of species and location shall be subject to approval by the Planning Board Clerk.
- 4. The landscaping required in these conditions shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed.
- 5. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.

VOTE: Ancello - yes Burke - yes
Marianetti - yes Plouffe - yes
Selke - yes Sofia - yes
Fisher - yes

MOTION CARRIED
MINOR IMPROVEMENT PLAN
WAIVER APPROVED
WITH CONDITIONS

**ADJOURNMENT:** 8:15 p.m.

#### **APPROVAL OF PLANNING BOARD MEETING MINUTES**

The Planning	Board	of the	Town	of	Greece,	in	the	County	of	Monroe	and	State	of	New	York,
rendered the	above	decisio	ns.												

Signed: _		Date:
	Chairman	